

3178. Adulteration of beans. U. S. v. 275 Sacks of Beans. Consent decree of condemnation and forfeiture. Product released on bond.
(F. & D. No. 5329. S. No. 1924.)

On September 13, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 275 sacks, each containing approximately 165 pounds of beans, remaining unsold in the original unbroken packages and in the possession of the Cincinnati, Hamilton & Dayton Railway Co., at Hamilton, Ohio, as bailee for J. P. Burroughs & Son, Flint, Mich., alleging that the product had been transported from the State of Michigan into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On December 2, 1913, the case having come on for hearing upon the libel and upon the claim and answer by claimants, trading under the firm name of J. P. Burroughs & Son, and said claimants by their answer having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal. It was provided, however, that the product should be released and restored to said claimants upon payment of the costs of the proceeding and the execution of bond by them in the sum of \$1,000, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 26, 1914.

3179. Adulteration of rye flour. U. S. v. 95 Sacks of Rye Flour. Consent decree of condemnation and forfeiture. Product released on bond.
(F. & D. No. 5330. S. No. 1931.)

On September 18, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 95 sacks of rye flour, remaining unsold in the original unbroken packages and in possession of the New York, Ontario & Western Railroad, New York, N. Y., alleging that the product had been shipped on or about September 12, 1913, by H. Hicks, Pleasant Valley, N. Y., and transported from the State of New York through the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. Some of the sacks bore no labels and some of them were stenciled: "Unsound New York Prod. Exch. Inspection Sept. 1913."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed vegetable substance, to wit, weevils, and musty and moldy lumps, contrary to the provisions of section 7, subdivision 6, under "Food," of said Food and Drugs Act.

On October 6, 1913, W. L. Sweet & Co., New York, N. Y., claimant, having filed its claim and stipulation for costs and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$300, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 26, 1914.